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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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2292	7590	02/23/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				SCUDERI, PHILIP S
ART UNIT		PAPER NUMBER		
		2153		

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,435	LAI ET AL.	
	Examiner Philip S. Scuderi	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 January 2002.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 is/are rejected.
 7) Claim(s) 1 et al. is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 07 January 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because of the phrase “Does message found?” in figure 7. The Examiner suggests, “Message found?” Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

3. Claim 1 is objected to because of the following informalities: “enables voice mailbox in Internet communication products” in line 1. The Examiner suggests “enables voice mailboxes” or “enables voice mailbox access”. Appropriate correction is required.
4. Claim 1 is objected to because of the following informalities: “the function of voice mailbox” in line 1. The Examiner suggests “the function of access to voice mailboxes”. Appropriate correction is required.
5. Claim 1 is objected to because of the following informalities: “Web linkage” in line 1. The Examiner suggests “web linkage”. Appropriate correction is required.
6. Claim 1 is objected to because of the following informalities: “Web servers” in line 2. The Examiner suggests “web servers”. Appropriate correction is required.
7. Claim 1 is objected to because of the following informalities: “for connecting with Internet” in line 4. The Examiner suggests “for connecting with the Internet”. Appropriate correction is required.
8. Claim 1 is objected to because of the following informalities: “a voice message downloaded from Internet” in line 8. The Examiner suggests “a voice message downloaded from the Internet”. Appropriate correction is required.
9. Claim 1 is objected to because of the following informalities: “for linking to Internet” in line 9. The Examiner suggests “for linking to the Internet”. Appropriate correction is required.

10. Claim 1 is objected to because of the following informalities: “downloading data via Internet” in line 9. The Examiner suggests “downloading data via the Internet”. Appropriate correction is required.

11. Claim 1 is objected to because of the following informalities: “Web server” in line 20. The Examiner suggests “web server”. Appropriate correction is required.

12. Claim 6 is objected to because of the following informalities: “enables voice mailbox” in line 1. The Examiner suggests “access to voice mailboxes”. Appropriate correction is required.

13. Claim 6 is objected to because of the following informalities: “Web linkage” in line 3. The Examiner suggests “web linkage”. Appropriate correction is required.

14. Claim 6 is objected to because of the following informalities: “Web servers” in line 3. The Examiner suggests “web servers”. Appropriate correction is required.

15. Claim 6 is objected to because of the following informalities: “Web server” in lines 9 and 13. The Examiner suggests “web server”. Appropriate correction is required.

16. Claim 6 is objected to because of the following informalities: “through Internet” in line 13. The Examiner suggests “through the Internet”. Appropriate correction is required.

17. Claim 6 is objected to because of the following informalities: “the step of creation” in line 15. The Examiner suggests “the step of creating”. Appropriate correction is required.

18. Due to the fact that the claims are replete with objectionable claim limitations, the Examiner has provided a number of examples, however, the list of objections is not all inclusive. Applicant should refer to these objections as examples of deficiencies and should make all the

necessary corrections to objectionable claim limitations and place the claims in a proper format. The claims will be treated on the merits as best understood by the Examiner.

Claim Rejections - 35 USC § 112

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

21. Claim 1 recites the limitation "the Web servers" in line 3. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 1 recites the limitation "It comprises" in line 3. There is insufficient antecedent basis for this limitation in the claim.

23. Claim 1 recites the limitation "receiver's information" in line 17. There is insufficient antecedent basis for this limitation in the claim.

24. Claim 1 recites the limitation "the voice message packets" in lines 19-20. There is insufficient antecedent basis for this limitation in the claim.

25. Claim 1 recites the limitation "the Web server" in line 20. There is insufficient antecedent basis for this limitation in the claim.

26. Claim 1 is not in one sentence form. The claim(s) must be in one sentence form only.

Note the format of the claims in the patent(s) cited.

27. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “modem chip” in claim 1 is used by the claim to mean “a microprocessor operable to convert a voice message picked up by a microphone into a voice file and turn the voice file into a voice message packet”, while the accepted meaning is “a device that converts between digital signals from a computer and analog signals for communication over a telephone line.” The term is indefinite because the specification does not clearly redefine the term.

28. Claim 6 recites the limitation “the Web servers” in line 3. There is insufficient antecedent basis for this limitation in the claim.

29. Claim 6 recites the limitation “It comprises” in line 4. There is insufficient antecedent basis for this limitation in the claim.

30. Claim 6 recites the limitation “the sound recording function” in line 7. There is insufficient antecedent basis for this limitation in the claim.

31. Claim 6 recites the limitation “It sends a voice message packet” in line 8. There is insufficient antecedent basis for this limitation in the claim.

32. Claim 6 recites the limitation “the Internet communication function” in line 9. There is insufficient antecedent basis for this limitation in the claim.

33. Claim 6 recites the limitation "Recipient" in line 11. There is insufficient antecedent basis for this limitation in the claim.

34. Claim 6 recites the limitation "the Internet communication function" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim.

35. Claim 6 recites the limitation "itself" in line 12. There is insufficient antecedent basis for this limitation in the claim.

36. Claim 6 recites the limitation "the Web server" in line 13. There is insufficient antecedent basis for this limitation in the claim.

37. Claim 6 recites the limitation "it downloads" in line 13. There is insufficient antecedent basis for this limitation in the claim.

38. Claim 6 recites the limitation "It uses" in line 16. There is insufficient antecedent basis for this limitation in the claim.

39. Claim 6 recites the limitation "the sound playing function" in line 16. There is insufficient antecedent basis for this limitation in the claim.

40. Claim 6 recites the limitation "recipient's Internet communication product" in line 17. There is insufficient antecedent basis for this limitation in the claim.

41. Claim 6 is not in one sentence form. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

42. Due to the fact that the claims are replete with 35 U.S.C. § 112 second paragraph rejections, the Examiner has provided a number of examples in the above rejection(s), however, the list of rejections is not all inclusive. Applicant should refer to these rejections as examples of

deficiencies and should make all the necessary corrections to eliminate the 35 U.S.C. § 112 second paragraph problems and place the claims in a proper format. The claims will be treated on the merits as best understood by the Examiner.

Claim Rejections - 35 USC § 102

43. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

44. Claims 6-8 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Picard et al. (EP 0845894 A2, hereinafter “Picard”).

45. With respect to claim 6, Picard discloses a method that enables voice mailboxes in Internet communication products, allowing Internet communication products that possess the function of Web linkage to enable the function of voice mailboxes through web servers of the Internet in accordance with the steps mentioned below, the method comprising the steps of:

creating a voice message packet by turning a sender’s voice into a voice message packet by means of a sound recording function (Storing voice messages in col. 18 lines 46-50 implies creating voice message packets. A packet is simply a group of data, thus a voice file is a voice message packet.) of an Internet communication product (fig. 6 #142);

sending the voice message packet to a web server by means of an Internet communication function of the Internet communication product (col. 23 lines 36-39);

a recipient using an Internet communication product to connect to a web server through the Internet, and downloading a voice message packet from the web server to an Internet communication product (col. 19 line 57 – col. 20 line 6); and

playing the downloaded voice message by using a sound playing function of the recipient's Internet communication product (col. 20 lines 6-12).

46. With respect to claim 7, Picard discloses the method applied to claim 6. Picard further discloses that the recipient's information is selected from the group consisting of the recipient's identification data (col. 23 line 44 "telephone numbers") and the recipient's email address (col. 23 lines 44-45).

47. With respect to claim 8, Picard discloses the method applied to claim 6. Picard further discloses that the step of creating a voice message packet also comprises the step of using a built-in modem chip to convert a voice message picked up by a microphone (Col. 18 lines 46-50 disclose a microphone half duplex recording board (modem chip) for the recording of voice messages. A microphone must necessarily be present in order to record voice messages.) into a voice file and then turn the voice file (In col. 18 line 46, the phrase "For the recording of messages" implies that MediaPlayer converts the voice messages into a voice file.) into a voice message packet (A packet is simply a group of data, thus a voice file is a voice message packet.).

48. With respect to claim 11, Picard discloses the method applied to claim 6. Picard further discloses that the step of sending the voice message packet also comprises uploading a voice message packet (col. 23 lines 36-39) to a web server (fig. 6 #132) by means of a built-in modem chip (fig. 6 "14.4/28.8 modem") of an Internet communication product (fig. 6 #144).

49. With respect to claim 12, Picard discloses the method applied to claim 6. Picard further discloses that the step of the recipient downloading a voice message packet comprises:

connecting to the Internet (col. 19 lines 35-39) through a modem (fig. 6 “14.4/28.8 modem”);

connecting to a web server (fig. 6 #132);

looking for a voice message packet stored on the web server (col. 19 lines 51-57);

if a voice message packet is found, downloading the voice message packet (col. 19 line 57 – col. 20 line 6) and deleting the voice message packet stored in the web server (col. 25 lines 16-24, “through the network interface” implies deleting the message stored in the web server);

and

ending the Internet connection (col. 25 lines 52-58).

50. With respect to claim 13, Picard discloses the method applied to claim 12. Picard further discloses that a corresponding voice message packet is looked for according to default recipient's information (col. 19 lines 51-54).

51. With respect to claim 14, Picard discloses the method applied to claim 6. Picard further discloses that the step of playing the downloaded voice message comprises using a built-in modem chip of the Internet communication product to disassemble and play the voice message through a speaker (The sound card (modem chip) and speaker disclosed in col. 18 lines 42-46 are used to play the voice message because said speaker and sound card are the only means disclosed capable of doing so. Clearly, a sound card disassembles a voice message in order to play a voice message through a speaker.).

52. With respect to claim 15, Picard discloses the method applied to claim 14. Picard further discloses that the step of playing the downloaded voice message comprises:

starting and initializing the modem chip in order to keep the modem chip in a preparation status (The modem chip must necessarily be started and initialized in order to play the downloaded voice message, as disclosed in col. 20 lines 6-12);

setting the modem chip to the voice mode (The modem chip plays voice messages, therefore it is in a voice mode when doing so.);

starting the connection mode of the speaker and the modem chip (The speaker must be connected (in a connection mode) to the modem chip in order to play the voice message.);

displaying a prompt message about starting to play a voice message (fig. 8 “PLAY►”); and

starting a sound playing program (col. 20 lines 6-12), and causing the modem chip to disassemble and play a voice message packet (Clearly, the sound card (modem chip) and speaker disclosed in col. 18 lines 42-46 are used to play the voice message packet, since said speaker and sound card are the only means disclosed for doing so.).

53. With respect to claim 16, Picard discloses the method applied to claim 15. Picard further discloses that the prompt message is a text message (fig. 8 “PLAY►”).

Claim Rejections - 35 USC § 103

54. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

55. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picard in view of *Combo PCI 56K modem / sound card for \$16* (URL: "[http://www.linux-hacker.net/cgi-bin/UltraBoard/UltraBoard.pl?Action>ShowPost&Board=scovery&Post=43&Idle=0&Sort=0&Order=Descend&Page=0&Session="](http://www.linux-hacker.net/cgi-bin/UltraBoard/UltraBoard.pl?Action>ShowPost&Board=scovery&Post=43&Idle=0&Sort=0&Order=Descend&Page=0&Session=), 5/19/2001, hereinafter "Netmake").

56. With respect to claim 1, Picard discloses a device that enables voice mailboxes in Internet communication products, allowing Internet communication products that possess the function of Web linkage to enable the function of voice mailboxes through web servers of the Internet, the device comprising:

an internet connection port for connecting to the Internet and thus creating Internet communication paths (fig. 6 "14.4/28.8 modem");

a microphone for picking up a user's message and converting it into an electric signal (Col. 18 lines 46-50 disclose a microphone half duplex recording board for the recording of voice messages. A microphone must necessarily be present in order to record voice messages.);

a speaker for playing a voice message downloaded from the Internet (col. 19 line 57 – col. 20 line 12);

a modem chip for linking to the Internet so as to facilitate the transmission and receipt of data (col. 18 lines 39-42);

a register for storing the data of a voice message (Col. 20 lines 21-23 discloses that the user can save messages. A register must necessarily be present for the user to save messages.);

a microprocessor unit (fig. 6 #142) that comprises a built-in Internet communication program (col. 20 lines 9-11), a built-in sound recording program (col. 18 lines 46-50) and a built-in sound playing program (fig. 6 #144, col. 20 lines 6-12); and

wherein the built-in Internet communication program, when executed, enables the modem chip to upload or download data via the Internet (col. 18 lines 31-37);

wherein the built-in sound playing program enables the modem chip to start disassembling voice message packets downloaded from a web server (col. 19 line 57 – col. 20 line 2, web server: fig. 6 #132), and playing the voice message through the speaker (col. 20 lines 6-12); and

an input unit that allows users to control the microprocessor unit in sending or receiving voice messages (Col. 19 line 57 – col. 20 line 2 discloses that the user could select a message by double-clicking, which implies a mouse is present.).

Picard discloses a sound card that the built-in sound recording program (col. 18 line 46 “For the recording of messages”, col. 18 line 50 “MediaPlayer”) enables a sound card (col. 18 lines 48-49) to start converting a voice message picked up by the microphone into a voice file (In col. 18 line 46, the phrase “For the recording of messages” implies that MediaPlayer converts the voice messages into a voice file.), then turn the voice file into a voice message packet (A packet is simply a group of data, thus a voice file is a voice message packet.), and finally store the voice message packet in the register (In col. 18 line 46, the phrase “For the recording of messages” implies storing the messages.). However, Picard does not disclose that the built-in sound recording program enables the modem chip to start converting a voice message picked up by the microphone into a voice file, then turn the voice file into a voice message packet, and finally

store the voice message packet in the register. As best understood by the Examiner, the modem chip claimed by Applicant performs the combined functions of the sound card and the modem chip disclosed by Picard. Combining a modem chip and a sound card was well known in the art, as evidenced by Netmake. In a similar art, Netmake discloses a combination modem and sound card (Netmake “Combo PCI 56K modem / sound card”). Given the teachings of Netmake it would have been obvious to one of ordinary skill in the art to combine the sound card and the modem card disclosed by Picard. The motivation for doing so would have been to only use a single PCI slot (Netmake “Here’s a PCI card with Aureal Vortex sound and 56K V.09 modem which will only take one slot in your Scovery (or any other PC)”).

57. With respect to claim 4, Picard in view of Netmake teaches the device applied to claim 1. Picard further discloses a display unit (Figure 11 discloses a browser displayed to the user, therefore the system must necessarily comprise a display unit.) controlled by the microprocessor unit (Col. 18 lines 31-33 discloses that the microprocessor unit controls the browser, which is displayed on the display unit in figure 11.), for displaying a prompt message (fig. 11 discloses a prompt message displayed by the browser).

58. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picard in view of Netmake, and further in view of *Scotsmist’s Glossary Of Computing* (URL: “http://web.archive.org/web/20010528040153/http://www.scotsmist.co.uk/glossary_r.html”, 5/28/2001, hereinafter “Scotsmist”).

59. With respect to claim 2, Picard in view of Netmake teaches the device applied to claim 1. Picard discloses an Internet connection port in the form of a modem (fig. 6 “14.4/28/8 modem”).

Picard is silent with respect to the specific type of modem connector. Nonetheless, a RJ11 connector was the standard telephone modular connector at the time of invention, as evidenced by Scotsmist. In a similar art, Scotsmist discloses a RJ11 connector was the standard telephone modular connector (Scotsmist p. 5 “RJ11 - A standard telephone modular connector.”). Given the teachings of Scotsmist it would have been obvious to one of ordinary skill in the art to use a RJ11 connector. The motivation for doing so would have been so that the modem was compatible with standard telephone connector wires.

60. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picard in view of Netmake, and further in view of Kambhatla et al. (US 6,704,394, hereinafter “Kambhatla”).

61. With respect to claim 3, Picard in view of Netmake teaches the device applied to claim 1. Picard does not expressly disclose that the input unit is a keyboard. Nonetheless, a device comprising a keyboard used to access a voice mailbox was well known, as evidenced by Kambhatla. In a similar art, Kambhatla discloses a device comprising a keyboard used to access a voice mailbox (fig. 1B). Given the teachings of Kambhatla it would have been obvious to one of ordinary skill in the art to provide a keyboard as an input device. The motivation for doing so would have been so that the user could fill in the fields disclosed by Picard in figure 11.

62. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picard in view of Netmake, further in view of Kambhatla, and further in view of *How a Liquid Crystal Display (LCD) Works* (by Jeff Tyson, URL:

“<http://web.archive.org/web/20001207180500/www.howstuffworks.com/lcd.htm?printable=1>”, 12/7/2000, hereinafter “Tyson”).

63. With respect to claim 5, Picard in view of Netmake, and further in view of Kambhatla teaches the device applied to claim 4. Picard does not expressly disclose that the display unit is a liquid crystal display. Nonetheless, it would have been obvious to one of ordinary skill in the art to provide a liquid crystal display as the display unit. The motivation for doing so would have been because liquid crystal displays are thin, light, and draw less power than standard CRTs (Tyson p. 1 “LCDs are common because they offer some real advantages over other display technologies. They are thinner and lighter and draw much less power than cathode ray tubes (CRTs)”).

64. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picard in view of Dawson et al. (US 6,252,588, hereinafter “Dawson”).

65. With respect to claims 9, Picard discloses the method applied to claim 8. Picard further discloses that the step of creating a voice message packet also comprises turning the voice file into a voice message packet (A packet is simply a group of data, thus a voice file is a voice message packet.) and storing the voice message packet in a register (Col. 20 lines 21-23 discloses that the user can save messages. A register must necessarily be present for the user to save messages.). Picard does not expressly disclose:

starting and initializing the modem chip in order to keep the modem chip in a preparation status;
setting the modem chip to a voice mode;

starting the connection mode of the microphone and the modem chip;
displaying a prompt message about starting sound recording; and
starting a sound recording program, and causing the modem chip to convert the voice
message picked up by the microphone into a voice file.

Nonetheless, creation of a voice message comprising the above steps not disclosed by
Picard was well known, as evidenced by Dawson. In a similar art, Dawson discloses a method
for creating a voice message, comprising the steps of:

starting and initializing a modem chip in order to keep the modem chip in a preparation
status (Col. 4 lines 55-59 disclose that the user activates a record function. The record function
must start and initialize the sound card (modem chip) in order to begin recording.);

setting the modem chip to a voice mode (Col. 4 lines 48-53 disclose that the sound card
(modem chip) can be used to convert voice data into a computer readable form. The sound card
must be in a voice mode to record voice data.);

starting a connection mode of a microphone and the modem chip (col. 4 lines 55-59);
displaying a prompt message about starting sound recording (col. 13 line 66 – col. 14 line
1); and

starting a sound recording program (col. 4 lines 53-55), and causing the modem chip to
convert the voice message picked up by the microphone into a voice file (col. 4 lines 61-65).

Given the teachings of Dawson it would have been obvious to one of ordinary skill in the
art to use the steps taught by Dawson to create the voice message packet. The motivation for
doing so would have been to store the voice message on the Internet communication product
(col. 3 lines 17-18).

66. With respect to claim 10, Picard in view of Dawson teaches the method applied to claim 9. Dawson further discloses that the prompt message is a text message (col. 13 line 66 – col. 14 line 1).

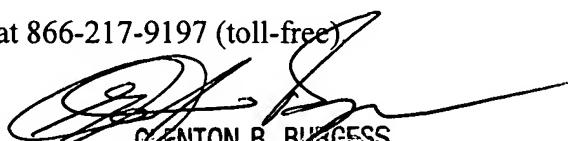
Conclusion

67. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Helferich (US 6,636,733); Helfrich (US 6,826,407); O'Neal et al. (US 6,640,424); Yarlagadda (US 6,580,786); O'Neal (US 6,411,685); Picard et al. (US 6,233,318); Cannon et al. (US 6,519,327); Astarabadi (US 5,822,405); Tremblay (US 6,381,309); and Bulfer et al. (US 6,175,858).

68. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 8am-5pm.

69. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

70. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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